

October 8, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0400009**

JEFF SULLIVAN
Code Enforcement Appeal

Location: 8442 Dallas Avenue South and 1251 South Orr Street

Appellant: Jeff Sullivan, *represented by*
Stephen Sullivan
P.O. Box 627
Carnation, WA 98040
Telephone: (425) 333-5518

King County: Department of Development and Environmental Services, *represented by* **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 205-1528
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Appeal denied

EXAMINER PROCEEDINGS:

Hearing Opened:	September 7, 2004
Hearing Closed:	October 7, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On April 27, 2004, a notice and order was issued by the King County Department of Development and Environmental Services, Code Enforcement Section, to Jeff Sullivan regarding property located at 8442 Dallas Avenue South and 1251 South Orr Street. The property was cited for the demolition and/or remodeling of existing residences and placement of storage containers without required permits, maintaining structures open to entry in a hazardous condition, and accumulation of assorted salvage, junk and debris. A timely appeal of the notice and order was filed by Stephen Sullivan on behalf of the Appellant.
2. The public hearing on this appeal was opened on September 7, 2004 and exhibits were entered and testimony received. DDES staff reported that all of the cited items within the notice and order had been resolved except for the question of whether restoration of one of the two houses on the property required a building permit. The parties agreed to continue the hearing subject to a building inspection to be arranged to determine the status of the remaining structure. DDES requested that the hearing be reopened after failing to arrange a timely inspection. The continued hearing was reopened on October 7, 2004, at which time DDES staff members were present. The Appellant did not appear at the continued hearing.
3. Building Inspector Lee Sundquist inspected the dilapidated residential structure at 8442 Dallas Avenue South on September 29, 2004. According to his testimony he determined that structural elements had been altered and removed, weakening the building's load capacity. He also noted that the structure does not have an adequate foundation. He concluded that making the necessary repairs will require a building permit. Mr. Sundquist also submitted the following written observations concerning the structure at 8442 Dallas Avenue South:

“I observed an old structure built on post and beam foundation resting on concrete blocks. Siding was off the structure revealing plank sheathing and foundation was exposed. Upon entering the structure I observed a striped interior with stud walls and a stick frame roof with ceiling joists removed. New ceiling joists or ties were being installed with new wood during my assessment.”

CONCLUSIONS:

1. The uncontroverted evidence of record establishes that the older residential structure located at 8442 Dallas Avenue South is being repaired without the issuance of a building permit and in violation of code requirements. Therefore, the notice and order issued to the Appellant must be upheld with respect to the citation for violation of permitting requirements for this structure, and the appeal denied.

DECISION:

The appeal is DENIED.

ORDER:

1. No penalties shall be assessed against the Appellant or his property if within 21 days of the date of this order he either submits a complete demolition permit application to remove the residential structure at 8442 Dallas Avenue South or a complete building permit application for its restoration.
2. If the deadline stated in condition no. 1 above is not met, DDES may assess penalties against the Appellant and his property retroactive to the date of this order.

ORDERED this 8th day of October, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 8th day of October, 2004, via certified mail to the following parties:

Jeff Sullivan
1308 Bellevue Way NE, #2
Bellevue, WA 98004

Stephen Sullivan
P.O. Box 627
Carnation, WA 98014

TRANSMITTED this 8th day of October, 2004, to the parties and interested persons of record:

Jeff Sullivan
1308 Bellevue Way NE, #2
Bellevue WA 98004

Stephen Sullivan
P.O. Box 627
Carnation WA 98014

Suzanne Chan
DDES, Code Enf.
MS OAK-DE-0100

Elizabeth Deraitus
DDES/LUSD
Code Enf. Supvr.
MS OAK-DE-0100

Patricia Malone
DDES/LUSD
Code Enf. Section
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DenoBi Olegba
DDES/LUSD
Code Enforcement
MS OAK-DE-0100

Lee Sundquist
DDES, BSD
MS OAK-DE-0100

Bill Turner
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE SEPTEMBER 7, 2004 AND OCTOBER 7, 2004, PUBLIC HEARING ON
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0400009.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba and Lee Sundquist representing the Department; and Stephen Sullivan representing the Appellant.

The following exhibits were offered and entered into the record on September 7, 2004:

- Exhibit No. 1 DDES staff report for September 7, 2004
- Exhibit No. 2 Copy of Notice and Order issued 4/27/04
- Exhibit No. 3 Copy of Notice and Statement of Appeal, dated 5/14/04
- Exhibit No. 4 Copies of codes cited in the Notice and Order
- Exhibit No. 5 Copies of photographs (20 color and 10 black and white)
- Exhibit No. 6 Copies of Stop Work (4) and Do Not Enter (2) notices
- Exhibit No. 7 Copies of photographs (8 color) provided by Stephen Sullivan, taken 9/06/04

The following exhibit was offered and entered into the record on October 7, 2004:

- Exhibit No. 8 Written statement by Lee Sundquist describing the structure located at 8442 Dallas Avenue South

SLS:gao
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